

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
CAROL KULIG, on behalf of herself and all others  
similarly situated,

Plaintiff,

13 Civ. 4715 (PKC)

-against-

ORDER

MIDLAND FUNDING, LLC, MIDLAND CREDIT  
MANAGEMENT, INC. ENCORE CAPITAL GROUP,  
INC. formerly MCM CAPITAL GROUP, INC., and  
AMANDA PEREZ,

Defendants.  
-----x

CASTEL, District Judge:

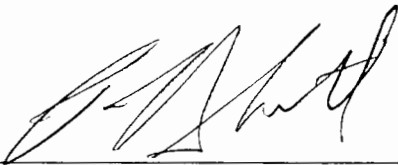
Plaintiff's counsel has written to advise the Court of the intention to file a motion to reconsider under Local Civil Rule 6.3 and to raises an issue concerning the proper timing of the motion. The docket appears to reflect that the Memorandum and Order of September 26, 2014 was filed on that date but "entry" was on September 29, 2014. Rule 6.3 speaks of "entry" and thus the motion will be deemed timely if filed within 14 days of September 29.

Counsel's attention is called to the standard governing a motion to reconsider. Marrero Pichardo v. Ashcroft, 374 F.3d 46, 55 (2d Cir. 2004) (citation omitted). "The standard for granting such a motion is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." It is not an opportunity to bring to the Court's attention factual information that was available at the time a party's submission but was not included in that submission.

The Court will extend the time periods in the Memorandum and Order for Ms. Kulig to make the election described therein to a date to be set by the Court upon disposition of the motion to reconsider. Ms. Kulig would be well advised, however, to begin to consider her options.

Letter application of October 3, 2014 (Doc 107) is terminated in accordance herewith. Plaintiff's counsel is directed to transmit a copy of this Order to Ms. Kulig with 3 days.

SO ORDERED.

  
\_\_\_\_\_  
P. Kevin Castel  
United States District Judge

Dated: New York, New York  
October 6, 2014